# IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

DOROTHY STANLEY, AS EXECUTRIX OF : THE ESTATE OF HELEN A. RUNGE, :

Plaintiff

: No. 05-10849-RGS

v. : (Judge Stearns)

:

WALTER J. KELLY, et al. : CIVIL ACTION

Defendants : JURY TRIAL DEMANDED

### PLAINTIFF'S PROPOSED VERDICT SLIPS

Plaintiff respectfully submits her proposed verdict slips as follows:

Plaintiff's claims against Defendant Walter J. Kelly.

I. NEGLIGENCE (Count III)

1.	Was Defend	ant	Walter	J.	Kelly	negligent?	
	Answer:		YES			□ NO	

If your answer to Question 1 is YES, please answer Question 2. If your answer to Question 1 is NO, skip Questions 2 through 6 and proceed directly to Question 7.

2. Was the Defendant's negligence a cause of damage to Helen A. Runge?

If your answer to Question 2 is YES, please answer Question 3. If your answer to Question 2 is NO, skip Questions 3 through 6 and proceed directly to Question 7.

3. Was Helen A. Runge negligent?

	Answer:
	If your answer to Question 3 is YES, please answer Question 4. If your answer to Question 3 is NO, skip Questions 4 and 5 and proceed directly to Question 6.
4.	Was Helen A. Runge's negligence a cause of damage to herself?
	Answer:
	If your answer to Question 4 is YES, please answer Question 5. If your answer to Question 4 is NO, skip Question 5 and proceed directly to Question 6.
5.	What percentage of the total negligence do you attribute to:
	Walter J. Kelly's negligence?
	Helen A. Runge's negligence?
	[NOTE: YOUR TWO FIGURES MUST TOTAL 100%]
6.	Answer Question 6 only if you answered YES to Question 1 and 2
	What amount of money would fairly and adequately compensate Helen A. Runge for any injury or harm resulting from Walter J. Kelly's negligence?
	(Please answer in figures): \$
	(Please also answer in words):
	Dollars.
	[NOTE: In determining the total amount of damages, do not make any reduction because of the negligence, if any, of Helen A. Runge.]
II.	FALSE IMPRISONMENT (Count IX)
7.	Was Helen A. Runge falsely imprisoned by the Defendant, Walter J. Kelly?
	Answer:

your	our answer to Question 7 is YES, proceed to Question 8. If answer is to Question 7 is NO, skip Questions 8 and 9 and eed directly to Question 10.
8.	Did the false imprisonment of Helen A. Runge, by the Defendant, Walter J. Kelly, legally cause Helen A. Runge harm and injuries?
	Answer:
your	our answer to Question 8 is YES, proceed to Question 9. If answer is to Question 8 is NO, skip Questions 9 and proceed ctly to Question 10.
9.	Answer Question 9 only if you answered YES to Question 7 and 8:
	What amount of money would fairly and adequately compensate Helen A. Runge for and injury or harm resulting from being falsely imprisoned by Defendant Walter J. Kelly?
	(Please answer in figures): \$
	(Please also answer in words):
	Dollars.
III.	INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS (Count X)
10.	Did Walter J. Kelly engage in extreme and outrageous conduct toward Helen A. Runge?
	Answer:
your	our answer to Question 10 is YES, proceed to Question 11. If answer to Question 10 is NO, skip Questions 11, 12 and 13 and eed directly to Question 14.
11.	Did Walter J. Kelly intend to cause Helen A. Runge emotional distress, or did he know or have reason to know that his conduct would in fact cause her to suffer emotional
	distress?
	Answer:

proceed directly to Question 14.

12. Did Helen A. Runge in fact suffer severe emotional distress

	as a resul	lt of Walter J. Kell	ly's conduct?	
	Answer:	□ YES	□ NO	
your		Question 12 is No	YES, proceed to Quest O, skip Question 13 a	
13.	Answer Que		rou answered YES to Que	estions 10,
	Helen A.	Runge for any inj al infliction of e	fairly and adequately ury or harm resulting emotional distress of	g from the
	(Please an	nswer in figures):	\$	
	(Please al	.so answer in words)	:	
				Dollars.
IV.	NEGLIGENT	INFLICTION OF EMOTI	CONAL DISTRESS (Count )	(I)
14.	distress	to Helen A. Run objectively verifi	ct the legal cause of ge which resulted i able physical manifes	n Runge's
	Answer:	□ YES	□ NO	
your		Question 14 is NO	YES, proceed to Quest ), skip Questions 15	
15.			n Helen A. Runge's pos under the same circumst	
	Answer:	□ YES	□ NO	
your		Question 15 is NO	YES, proceed to Questi ), skip Question 16 a	
16.	Answer Oue	estion 16 only if v	ou answered YES to Ou	estions 14

and 15:

	What amount of money would fairly and adequately compensate Helen A. Runge for any injury or harm resulting from the negligent infliction of emotional distress of Defendant Walter J. Kelly?
	(Please answer in figures): \$
	(Please also answer in words):
	Dollars.
v.	BREACH OF CONTRACT (Count XII)
17.	Did Walter J. Kelly breach a contract he entered into with Helen A. Runge?
	Answer:   VES   NO
your	our answer to Question 17 is YES, proceed to Question 18. If answer to Question 17 is NO, skip Questions 18 and 19 and eed directly to Question 20.
18.	Was the breach of contract by Walter J. Kelly a legal cause of some economic harm or monetary loss to Helen A. Runge?
	Answer:
your	our answer to Question 18 is YES, proceed to Question 19. If answer to Question 18 is NO, skip Question 19 and proceed ctly to Question 20.
19.	Answer Question 18 only if you answered YES to Questions 17 and 18:
	What amount of money would fairly and adequately compensate Helen A. Runge for any injury or harm resulting from Walter J. Kelly's breach of the contract with Runge?
	(Please answer in figures): \$
	(Please also answer in words):
	Dollars.
VI.	BREACH OF FIDUCIARY DUTY (Count XIII)

20.	Did Walter J. Kelly breach any fiduciary duty owed to Heler. A. Runge?
	Answer:   YES  NO
your	our Answer to Question 20 is YES, proceed to Question 21. If Answer to Question 20 is NO, skip Question 21 and proceed ctly to Question 22.
21.	Answer Question 21 only if you answered YES to Question 20:
	What amount of money would fairly and adequately compensate Helen A. Runge for any injury or harm resulting from Walter J. Kelly's breach of the his fiduciary duty to Runge?
	(Please answer in figures): \$
	(Please also answer in words):
	Dollars.
VII.	ABUSE OF PROCESS (Count XIV)
22.	Did Walter J. Kelly file the Guardianship Proceedings against Helen A. Runge with an ulterior motive or for an illegitimate purpose?
	Answer:   NO
your	our answer to Question 22 is YES, proceed to Question 23. If answer to Question 22 is NO, skip Question 23 and proceed ctly to Question 24.
23.	Answer Question 23 only if you answered YES to Question 22:
	What amount of money would fairly and adequately compensate Helen A. Runge for any injury or harm resulting from Walter J. Kelly's Abuse of Process?
	(Please answer in figures): \$
	(Please also answer in words):
	Dollars.
*****	MICHARION OF M. G. I

24.	Did Walter J. or practices?	Kelly commit un	nfair and deceptive bus	siness acts
	Answer:	YES	□ NO	
your		estion 24 is NO	YES, proceed to Quest ), skip Question 25 a	
25.		. Kelly's unfain willfully and k	c and deceptive busing mowingly?	ess act or
	Answer: □	YES	□ NO	
IX. I	DAMAGES			
26.	awarded to He	elen A. Runge to	nt of monetary damage o compensate her for Celly, as totaled From	her claims
	(Please answer	r in figures):	\$	_
	(Please also	answer in words)	:	
				Dollars.
27.	wanton, malic your discreti A. Runge punit	ious, and egreg on to punish Wa tive damages, in	Kelly's conduct was su lous that you choose t lter J. Kelly by awar addition to any damag proven injuries?	o exercise ding Helen
	Answer:	YES	□ NO	
28.	If your answe all the Quest	r to Question 2	is YES, proceed to Qu 7 is NO, and you have ppropriate, please sig he Court.	completed
29.		f punitive damaq Defendant, Walt	ges do you award Helen er J. Kelly?	A. Runge,
	(Please answer	r in figures):	\$	_
	(Please also a	answer in words)	:	Dollars

Signature:	
	Foreperson of the Jury
	Date

## Plaintiff's claims against Defendant Sunbridge.

I.	NEGLIGENCE (Count II)
1.	Was Defendant Sunbridge negligent?
	Answer:   VES  NO
	If your answer to Question 1 is YES, please answer Question 2. If your answer to Question 1 is NO, please proceed to Question 7.
2.	Was the Defendant's negligence a cause of damage to Helen A. Runge?
	Answer:   YES  NO
	If your answer to Question 2 is YES, please answer Question 3. If your answer to Question 1 is NO, please proceed to Question 7.
3.	Was Helen A. Runge negligent?
	Answer:   YES   NO
	If your answer to Question 3 is YES, please answer Question 4. If your answer to Question 3 is NO, do not answer Question 4 or 5; please go to Question 6.
4.	Was Helen A. Runge's negligence a cause of damage to herself?
	Answer:   NO
	If your answer to Question 4 is YES, please answer Question 5. If your answer to Question 4 is NO, do not answer Question 5; please go to Question 6.
5.	What percentage of the total negligence do you attribute to:
	Defendant's negligence?%
	Runge's negligence?%
	[NOTE: YOUR TWO FIGURES MUST TOTAL 100%]
6.	Answer Question 6 only if you answered YES to Question 1 and 2.

	What amount of money would fairly and adequately compensate Helen A. Runge for any injury or harm resulting from Sunbridge's negligence?
	(Please answer in figures): \$
	(Please also answer in words):
	Dollars.
	[NOTE: In determining the total amount of damages, do not make any reduction because of the negligence, if any, of Helen A. Runge.]
II.	ASSAULT AND BATTERY (Count IV)
7.	Did the Defendant, Sunbridge, or its agents, commit an assault on Helen A. Runge?
	Answer:   NO
_	our answer to Question 7 is YES, please answer Question 8. If answer to Question 7 is NO, please proceed to Question 9.
8.	Answer Question 8 only if you answered YES to Question 7:
	What amount of money would fairly and adequately compensate Helen A. Runge for any injury or harm resulting from the Assault she suffered as a result of Sunbridge's actions?
	(Please answer in figures): \$
	(Please also answer in words):
	Dollars.
9.	Did the Defendant, Sunbridge, commit a battery upon Helen A. Runge?
	Answer:   YES   NO
	our answer to Question 9 is YES, please answer Question 10. our answer to Question 9 is NO, please proceed to Question 11.
10	Answer Question 10 only if you answered YES to Question 9:

	What amount of money would fairly and adequately compensate Helen A. Runge for any injury or harm resulting from the Battery she suffered as a result of Sunbridge's actions?
	(Please answer in figures): \$
	(Please also answer in words):
	Dollars.
III.	FALSE IMPRISONMENT (Count V)
11.	Was Helen A. Runge falsely imprisoned by the Defendant, Sunbridge?
	Answer:
your	our answer to Question 11 is YES, proceed to Question 12. If answer is to Question 11 is NO, skip Questions 12 and 13 and eed directly to Question 14.
12.	Did the false imprisonment of Helen A. Runge, by the Defendant, Sunbridge, legally cause her harm and injuries?
	Answer:
13.	Answer Question 13 only if you answered YES to Question 11 and 12:
	What amount of money would fairly and adequately compensate Helen A. Runge for and injury or harm resulting from being falsely imprisoned by Defendant Sunbridge?
	(Please answer in figures): \$
	(Please also answer in words):
	Dollars.
IV.	INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS (Count VI)
14.	Did Sunbridge or its agents engage in extreme and outrageous conduct toward Runge?
	Answer:   NO

Ιf	your	answer	to	Quest	ion	. 14	! is	YES,	proceed	to	Que	est	ion	15.	Ιf
you	ır ans	swer to	Que	stion	10	is	NO,	skip	Questions	s 1	5,	16	and	17	and
proceed directly to Question 18.															

15.	Did	Sunb	ridge	in	tend	to	cai	ıse	Не	elen	Α.	Rι	ınge	emoti	onal
	dist	ress,	or	did	it :	know	or	hav	e	reas	on	to	know	that	its
	cond dist			d in	n f	act	cau	.se	he	r t	.0	suf	fer	emoti	onal

If your answer to Question 15 is YES, proceed to Question 16. If your answer to Question 15 is NO, skip Questions 16 and 17 and proceed directly to Question 18.

16. Did Helen A. Runge in fact suffer severe emotional distress as a result of Sunbridge's conduct?

If your answer to Question 16 is YES, proceed to Question 17. If your answer to Question 16 is NO, skip Question 17 and proceed directly to Question 18.

17. Answer Question 17 only if you answered YES to Questions 14, 15 and 16:

What amount of money would fairly and adequately compensate Helen A. Runge for any injury or harm resulting from the intentional infliction of emotional distress of Defendant Sunbridge?

### V. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS (Count VII)

18. Was Sunbridge's conduct the legal cause of emotional distress to Helen A. Runge which resulted in Runge's suffering objectively verifiable physical manifestations of that distress?

 If your answer to Question 18 is YES, proceed to Question 19. If

	answer to Question eed to Question 21.	18 is NO, skip Questions 19 and 20 and							
19.		erson in Helen A. Runge's position have stress under the same circumstances?							
	Answer:	□ NO							
your		n 19 is YES, proceed to Question 20. If 19 is NO, skip Question 20 and proceed							
20.	Answer Question 20 only if you answered YES to Questions 18 and 19:								
	What amount of money would fairly and adequately compensate Helen A. Runge for any injury or harm resulting from the negligent infliction of emotional distress of Defendant Sunbridge?								
	(Please answer in figures): \$								
	(Please also answer in words):								
		Dollars.							
VI.	BREACH OF CONTRACT (C	ount VIII)							
21.	Did Sunbridge breach Runge?	a contract it entered into with Helen A.							
	Answer: 🗆 YES	□ NO							
your		n 21 is YES, proceed to Question 22. If 21 is NO, skip Questions 22 and 23 and on 24.							
22.		tract by Sunbridge a legal cause of some tary loss to Helen A. Runge?							
	Answer:   YES	□ NO							
your		n 22 is YES, proceed to Question 23. If 22 is NO, skip Question 23 and proceed							

23.	Answer Question 23 only if you answered YES to Questions 2 and 22:
	What amount of money would fairly and adequately compensate Helen A. Runge for any injury or harm resulting from Sunbridge's breach of the contract with Runge?
	(Please answer in figures): \$
	(Please also answer in words):
	Dollars.
vII.	BREACH OF FIDUCIARY DUTY (Count XV)
23.	Did Sunbridge breach any fiduciary duty owed to Helen A Runge?
	Answer:   NO
your	our Answer to Question 23 is YES, proceed to Question 24. In Answer to Question 23 is NO, skip Question 24 and proceed to Question 25.
24.	Answer Question 24 only if you answered YES to Question 23:
	What amount of money would fairly and adequately compensate Helen A. Runge for any injury or harm resulting from Sunbridge's breach of its fiduciary duty to Runge?
	(Please answer in figures): \$
	(Please also answer in words):
	Dollars.
VIII	. DAMAGES
26.	Please state the total amount of monetary damages you have awarded to Helen A. Runge to compensate her for her claims against Defendant Sunbridge, as totaled from above:
	(Please answer in figures): \$
	(Please also answer in words):
	Dollars.

Signature:	
	Foreperson of the Jury
	Date

Respectfully submitted,

LATSHA DAVIS YOHE & MCKENNA, P.C.

Dated: June 16, 2008

By /s/ Glenn R. Davis
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## **CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing document was served upon the attorney of record for each party by electronic transmission.

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Dated: June 16, 2008 By /s/ Glenn R. Davis Glenn R. Davis